UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,689	08/11/2003	Yi-Chen Chang	10870-US-PA	1688

31561   7590   05/22/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI,   100
TAIWAN

EXAMINER
BODDIE, WILLIAM

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Advisory Action ***Before the Filing of an Appeal Brief***	*10/604,689*	CHANG ET AL.	
	Examiner	**Art Unit**	
	William Boddie	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>16 March 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3 </u>months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

       The status of the claim(s) is (or will be) as follows:

       Claim(s) allowed: _____.

       Claim(s) objected to: _____.

       Claim(s) rejected: _____.

       Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

AMR A. AWAD
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments are not considered persuasive. Specifically, on page 3 of the Remarks, Applicant contends that Dougherty does not teach any inputting operation or a panel. It seems clear that Dougherty inputs information into computer based on detected data on each page or panel of a book. While Dougherty does disclose retrieving data from the Internet, Dougherty's computer is also input linking data from the input pen and data embedded panel; "computer is responsive to the linking data" (col. 4, lines 27-34).

Applicant further contends, on page 4, that Dougherty fails to suggest or disclose any pixel structure. Examiner maintains that figures 7 and 8 are representative of a pixel structure. The Examiner agrees that Dougherty does not provide an array of pixels and this was never presented. It is due to this lack of an array structure that requires the combining of Dougherty with the secondary reference of Sayuda.

Further, Applicant argues, on page 5, that since the density of the image of Sayuda does not change with different pixel locations in the second row then it is incorrect to see the second row of sub-pixels as any different from the first row of sub-pixels. The Examiner respectfully disagrees with this viewpoint. Regardless of how the subpixels affect the image density, the second row of sub-pixels are inherently different from the first and third row in that data has been embedded in them. This is exactly how the pixel detecting means is able to pull data from the printed panels. Therefore the Examiner contends that the pixel structure described in previous Office Actions fulfills at least the broad limitations recited by claim 1.

Furthermore as currently worded the limitations of claim 1 are very broad. All that is required in each pixel structure is simply a subpixel and a shadow pixel on one side of the subpixel. There is no requirement that a "shadow pixel" behave in any particular way. Subsequent dependent claims even teach away from the Applicant's contention that, the shadow pixels "should be at least to some degree absorbing or sheltering light more than the first sub-pixel." Claim 3 states that the shadow pixel is "set to emit electromagnetic radiation" (light). The limitation that the "shadow pixel" shelter or absorb light more than the sub-pixel is neither inherent nor implied in the limitations of claim 1.

Finally Applicant argues, at the bottom of page 5, that the currently supplied motivation of allowing the combination to embed, and subsequently obtain, a larger amount of information is not required by Dougherty. This is due to Dougherty allegedly only embedding and reading a URL. The Examiner again respectfully disagrees. The embedded URL address is only one use of the panel input device taught by Dougherty. For example, column 12, lines 35-44, state that the "nature of the content that may be encoded in the hot spots is unconstrained." Further note column 12, lines 4-9, which details the bulk of the content displayed on the computer being encoded in the linking data. Thus there is clearly a need to Dougherty to encode as much data as possible, combining the encoding scheme of Sayuda with Dougherty allows for a larger amount of embedded data.

For the reasons above and those outlined in previous Office Actions, the rejection of the currently constructed claims is maintained by the Examiner.